

EXHIBIT “A”

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A-17-752706-C

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

XVIII

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

TIMOTHY LOW

Defendant(s) (name/address/phone):

JASPAL SINGH and
GOLDEN EXPRESS, LLC

Attorney (name/address/phone):

BRADLEY J. MYERS, ESQ.

Attorney (name/address/phone):

THE702FIRM

400 S. 7TH ST., #400, LAS VEGAS, NV 89101

(702) 776-3333

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property <p> <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <input type="checkbox"/> Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <input type="checkbox"/> Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property </p>	Negligence <p> <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice </p>	Torts <p> <input type="checkbox"/> Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort </p>
Probate <small>(select case type and estate value)</small> <p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500 </p>	Construction Defect & Contract <p> <input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract </p>	Judicial Review/Appeal <p> <input type="checkbox"/> Judicial Review Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal </p>
Civil Writ <p> <input type="checkbox"/> Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant </p>	<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <p> <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters </p>

*Business Court filings should be filed using the Business Court civil coversheet.**7-17-17*

Date

Signature of initiating party or representative

See other side for family-related case filings.

1 **COMJD**
2 BRADLEY J. MYERS, ESQ.
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10 and
11 ADAM S. KUTNER, ESQ.
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15 *Attorneys for Plaintiff*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TIMOTHY LOW,

Plaintiff,

75.

19 JASPAL SINGH, individually; GOLDEN EXPRESS
20 LLC, a Washington Limited Liability Company;
21 DOES I through X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

22 Defendants.

Plaintiff, TIMOTHY LOW, by and through his attorneys of record, ADAM S. KUTNER, ESQ., of ADAM S. KUTNER, P.C., and MICHAEL C. KANE, ESQ., BRADLEY J. MYERS, ESQ., and MARK A. ROUSE, ESQ., of THE702FIRM, and for his Complaint against the Defendants, and each of them, states, asserts and alleges as follows:

Case No.: XVIII
Dept. No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

GENERAL ALLEGATIONS

1. Plaintiff, TIMOTHY LOW ("LOW"), is and was, at all times relevant to these proceedings, a resident of the County of Clark, State of Nevada.

2. Upon information and belief, Defendant JASPAL SINGH ("SINGH"), is and was, at all times relevant to these proceedings, a resident of King County, State of Washington.

3. Upon information and belief Defendant GOLDEN EXPRESS LLC ("GOLDEN EXPRESS"), is and was, at all times relevant to these proceedings, a Washington limited liability company, authorized to and conducting business in the State of Nevada, including but not limited to Clark County and Nye County.

4. The true names and capacities of Defendants named herein as DOES I through X, and ROE BUSINESS ENTITIES I through X, whether individual, corporate, associate, or otherwise, are presently unknown to Plaintiff, who, therefore, sues said defendants so designated herein is responsible in some manner for the events and occurrences referred to herein alleged, and Plaintiffs will request leave of Court to amend this Complaint to insert the true names and capacities of ROE CORPORATIONS I through X and DOES I through X, when the same have been ascertained and to join such defendants in this action.

5. On or about October 19, 2015, the Plaintiff and Defendant SINGH were involved in a motor vehicle collision.

6. Specifically, on that date, Plaintiff was driving a 2013 Buick Verano southbound on U.S. Interstate 95, and was stopped in traffic north of mile marker Nye 57 in Nye County, Nevada.

7. At the same time and place, Defendant SINGH was driving a 2012 Freightliner Tractor Trailer southbound on U.S. Interstate 95, immediately behind Plaintiff's vehicle.

8. Defendant SINGH failed to slow down as he was approaching Plaintiff's stopped vehicle,

9. In an effort to avoid the accident, Plaintiff veered left onto northbound U.S. Interstate 95, however, Defendant SINGH still hit Plaintiff's vehicle.

10. The above described impact caused serious injuries to Plaintiff.

11. Upon information and belief, Defendant SINGH is an employee of Defendant GOLDEN EXPRESS and was acting in the course and scope of his employment at the time of this motor vehicle collision.

12. At all times relevant, the incident occurred in Nye County, Nevada.

FIRST CLAIM FOR RELIEF

(Negligence)

13. Plaintiff repeats and realleges the allegations above, as though fully set forth herein.

14. On or about October 19, 2015, Defendant SINGH had a duty to operate his vehicle in a careful and prudent manner.

15. Defendant SINGH breached this duty when he operated his vehicle in a negligent, careless and reckless manner and caused a collision with Plaintiff's vehicle, thereby causing damages and injuries to Plaintiff.

16. Defendant SINGH had a duty to operate his vehicle in accordance with the traffic laws of the State of Nevada.

17. Defendant SINGH, in operating a vehicle on October 19, 2015, violated one or more of the following Nevada Revised Statutes, including, but not limited to, NRS 484B.603, which provides, *inter alia*, the duty of a driver to use due care; and NRS 484B. 127 which provides, *inter alia*, that it is the duty of a driver to not follow another vehicle more closely than is reasonable and prudent.

18. That Plaintiff is the type of person intended to be protected by said statute(s), and that the injuries he suffered were the type to be protected against.

19. As a direct and proximate result of the aforementioned, Plaintiff sustained injuries to his neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to his general damages in a sum in excess of \$15,000.00.

20. As a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for his injuries received in an expense all to his damages in a sum in excess of \$15,000.00. Said services, care, and treatment are continuing and shall continue in the future, at a presently unascertainable amount, and Plaintiff will amend his Complaint accordingly when the same shall be ascertained.

21. Prior to the injuries complained of herein, Plaintiff was able bodied readily and gainfully employed and physically capable of engaging in all other activities for which he was otherwise suited.

22. Due to his injuries as set forth herein, Plaintiff has sustained past wage loss and will continue to suffer wage loss in the future, in an amount to be determined at the time of trial.

23. Due to his injuries as set forth herein, Plaintiff has sustained pain, suffering, loss of enjoyment of life, past, present and future in an amount in excess of \$15,000.00.

24. As a further direct and proximate result of the negligence of Defendants, Plaintiff sustained damage to his vehicle, as well as loss of use, all of which he is entitled to recover from Defendants.

25. Plaintiff has been compelled to retain the services of an attorney to prosecute this action and is, therefore, entitled to reasonable attorney's fees and costs incurred herein.

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SECOND CLAIM FOR RELIEF

(Negligent Entrustment)

26. Plaintiff repeats and realleges the allegations above, as though fully set forth herein.

27. That Defendant GOLDEN EXPRESS willingly entrusted its vehicle to Defendant
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28. That Defendant GOLDEN EXPRESS either knew or should have known that such entrustment to Defendant SINGH was negligent.

29. Defendant SINGH subsequently failed to drive safely and obey traffic devices.

30. Defendant GOLDEN EXPRESS owed Plaintiff a duty of ordinary care to entrust the use and possession of its motor vehicle to a careful driver.

31. Defendant GOLDEN EXPRESS subsequently breached the duty of ordinary care by negligently entrusting the use and possession of its automobile to Defendant SINGH.

32. As a direct and proximate result of the aforementioned, Plaintiff sustained injuries to his neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to his general damage in a sum in excess of \$15,000.

33. As a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for his injuries received in an expense all to his damage in a sum in excess of \$15,000. Said services, care, and treatment are continuing and shall continue in the future, at a presently unascertainable amount, and Plaintiff will amend his Complaint accordingly when the same shall be ascertained.

34. Prior to the injuries complained of herein, Plaintiff was able bodied readily and physically capable of engaging in all other activities for which he was otherwise suited.

35. Due to his injuries as set forth herein, Plaintiff has sustained past wage loss and will continue to suffer wage loss in the future, in an amount to be determined at the time of trial.

36. Due to his injuries as set forth herein, Plaintiff has sustained pain, suffering, loss of enjoyment of life, past, present and future in an amount in excess of \$15,000.00.

37. As a further direct and proximate result of the negligence of Defendants, Plaintiff sustained damage to his vehicle, as well as loss of use, all of which he is entitled to recover from Defendants.

38. Plaintiff has been compelled to retain the services of an attorney to prosecute this action and is, therefore, entitled to reasonable attorney's fees and costs incurred herein.

THIRD CLAIM FOR RELIEF

(Respondeat Superior)

39. Plaintiff repeats and realleges the allegations above, as though fully set forth herein.

40. At all times relevant herein, Defendant SINGH and employees named as DOES and ROE ENTITIES herein, and each of them, were employees and/or agents of Defendant GOLDEN EXPRESS and were acting within the scope of their employment.

41. Accordingly, Defendants, and each of them, are vicariously liable for the damages caused by their employees' actions and negligence, further encompassing the actions of those hired by Defendants to maintain the premises.

42. As a direct and proximate result of the aforementioned, Plaintiff sustained injuries to his neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to his general damage in a sum in excess of \$15,000.

43. As a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for his injuries received in an expense all to his damage in a sum in excess of \$15,000. Said services, care, and treatment are continuing and shall continue in the future, at a presently unascertainable amount, and Plaintiff will amend his Complaint accordingly when the same shall be ascertained.

44. Prior to the injuries complained of herein, Plaintiff was able bodied readily and physically capable of engaging in all other activities for which he was otherwise suited.

45. Due to his injuries as set forth herein, Plaintiff has sustained past wage loss and will continue to suffer wage loss in the future, in an amount to be determined at the time of trial.

46. Due to his injuries as set forth herein, Plaintiff has sustained pain, suffering, loss of enjoyment of life, past, present and future in an amount in excess of \$15,000.00.

47. As a further direct and proximate result of the negligence of Defendants, Plaintiff sustained damage to his vehicle, as well as loss of use, all of which he is entitled to recover from Defendants.

48. Plaintiff has been compelled to retain the services of an attorney to prosecute this action and is, therefore, entitled to reasonable attorney's fees and costs incurred herein.

FOURTH CLAIM FOR RELIEF

(Negligent Hiring, Supervision and Retention)

49. Plaintiff repeats and realleges the allegations above, as though fully set forth herein.

50. At all times mentioned herein, Defendant GOLDEN EXPRESS had a duty to hire competent persons, properly train them for tasks they would perform, and supervise them in the performance of those tasks.

51. Defendant GOLDEN EXPRESS breached their duty to properly train, supervise, retain and/or supervise its employees.

52. As a direct and proximate result of the aforementioned, Plaintiff sustained injuries to his neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to his general damage in a sum in excess of \$15,000.

53. As a direct and proximate result of the aforementioned, Plaintiff was required to and did receive medical and other treatment for his injuries received in an expense all to his

1 damage in a sum in excess of \$15,000. Said services, care, and treatment are continuing and shall
2 continue in the future, at a presently unascertainable amount, and Plaintiff will amend his
3 Complaint accordingly when the same shall be ascertained.

4 54. Prior to the injuries complained of herein, Plaintiff was able bodied readily and
5 physically capable of engaging in all other activities for which he was otherwise suited.

7 55. Due to his injuries as set forth herein, Plaintiff has sustained past wage loss and will
8 continue to suffer wage loss in the future, in an amount to be determined at the time of trial.

9 56. Due to his injuries as set forth herein, Plaintiff has sustained pain, suffering, loss of
10 enjoyment of life, past, present and future in an amount in excess of \$15,000.00.

11 57. As a further direct and proximate result of the negligence of Defendants, Plaintiff
12 sustained damage to his vehicle, as well as loss of use, all of which he is entitled to recover from
13 Defendants.

15 58. Plaintiff has been compelled to retain the services of an attorney to prosecute this
16 action and is, therefore, entitled to reasonable attorney's fees and costs incurred herein.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff prays for judgment on all claims for relief as follows:

20 1. General damages for Plaintiff's pain, suffering, disfigurement, emotional distress,
21 shock, loss of enjoyment of life, and agony in an amount in excess of \$15,000.00.

22 2. Special damages for Plaintiff's medical expenses and lost wages in an amount
23 excess of \$15,000.00.

24 3. For compensatory damages in an amount in excess of \$15,000.00.

25 4. Costs of suit incurred including reasonable attorneys' fees.

26 5. Property damage and loss of use.

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DEMAND FOR JURY TRIAL

Plaintiff, by and through his attorneys of record, MICHAEL C. KANE, ESQ., BRADLEY J. MYERS, ESQ., and MARK A. ROUSE, ESQ., of THE702FIRM, hereby demands a jury trial of all of the issues in the above matter.

DATED this 17 day of March, 2017.

THE 702 FIRM

BRADLEY J. MYERS, ESQ.
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MICHAEL C. KANE, ESQ.
Nevada Bar No. 10096
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